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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,537	03/11/2005	Henry George Kohlmann	02-1295	5846

7590 03/11/2008
Henry G Kohlmann
15460 Laguna Canyon Road
MC 1650-7003
Irvine, CA 92618

EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3661

MAIL DATE	DELIVERY MODE
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03/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Confirm Address

Office Action Summary	Application No.	Applicant(s)	
	10/527,537	KOHLMANN, HENRY GEORGE	
	Examiner	Art Unit	
	CUONG H. NGUYEN	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 4 and 9 is/are objected to.
- 8) ☒ Claim(s) 1-11 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/12/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to a communication received on 3/11/2005.
2. Claims 1-11 are pending in this application.

Drawings

3. There are 16 sheets of formal drawing filed on 3/11/2005.

Priority

4. Applicant claims a PCT priority of 9/12/2003.

Claim Rejections - 35 USC 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such **full, clear, concise, and exact terms** as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. The examiner fails to find any support in the disclosure for what was claimed by the applicant:

- In claims 1, 4, 7: “a control apparatus for controlling the motion of the movable vehicle” – i.e., how motion is controlled?
- In claims 5-6, and 10: An automatic motion control
- In claim 9: “a control apparatus for controlling the motion and direction of the movable vehicle” – i.e., how to control a vehicle’s direction?

The applicant is requested to point out where these features are disclosed for one in the art, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim Objections

6. Claims 4, and 9 are objected due to presenting similar limitations (see pending claim 4, and pending claim 9):

The examiner is also unclear of different limitation between these 2 independent claims since they are system claims with physical structural limitations.

Election/Restriction

The examiner respectfully submits that the election to one of the following inventions is deemed necessary.

7. There are 3 ways restriction for combination and subcombination between pending claims; therefore, restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claim 7 (representing as AB_{broad} format) vs claims 1-3, 8 (representing as B_{specific});
- Claim 7 (representing as AB_{broad} format) vs claims 4-6, and 9-11 (representing as B_{specific});
- Claims 4-6, 9-11 (representing as AB_{broad} format) vs claims 1-3, 8 (representing as B_{specific});

For claim 7, A is represented as a limitation of: "e. An automatic pilot system on board said mobile platform."

For claim 7, B_{broad} is represented as "a. a control apparatus for controlling the motion of the movable vehicle; b. at least one station in communication with said movable vehicle while the vehicle is in motion to monitor on board activities. c.

a communication system coupled between the station and the movable vehicle for sending and receiving information related to said board activities; and d. a control signal, which permits the station to operate said control apparatus for controlling the motion of the movable vehicle".

For a grouping of claims 1-3, and 8, B_{specific} is represented as: "1. A control system for a movable vehicle comprising: a. a control apparatus for controlling the motion of the movable vehicle; b. at least one location in communication with said movable vehicle while the vehicle is in motion to monitor on board activities. c. a communication system coupled between the station and the movable vehicle for sending and receiving information related to said board activities; and d. a control signal which permits the at least one location to selectively operate said control apparatus for controlling the motion of the movable vehicle."

For a grouping of claims 4-6, and 9-11, B_{specific} is represented as: "a. a control apparatus for controlling the motion and direction of the movable vehicle; b. at least one location in communication with said movable vehicle while the vehicle is in motion to monitor on board activities. c. a communication system coupled between the station and the movable vehicle for sending and receiving information related to said board activities; and d. a control signal, which permits the station to operate said control apparatus for controlling the motion and direction of the movable vehicle."

And, using as AB_{broad} format, a grouping of claims 4-6, 9-11 (against claims 1-3, 8 as B_{specific}).

A is represented as: "a control apparatus for controlling directions of the movable vehicle"; and

B_{broad} is represented as "a. a control apparatus for controlling the motion of the movable vehicle; b. at least one location in communication with said movable vehicle while the vehicle is in motion to monitor on board activities. c. a communication system coupled between the station and the movable vehicle for sending and receiving information related to said board activities; and d. a control signal which permits the at least one location to selectively operate said control apparatus for controlling the motion of the movable vehicle."

8. The inventions as interpreted in different groups above are distinct by above definitions, each from the other because of the following reasons:

9. They are combination and subcombination that having separate utilities – that means claims can stand alone in a format of B_{specific}.

10. Because these inventions are different as analysis – they have mutually exclusive characteristics and there would be a serious burden on the examiner if restriction is not required (the inventions require different fields of search). It is proper to make this restriction for examination purposes.

11. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

/CUONG H. NGUYEN/
Primary Examiner
Art Unit 3661

Organization **TC 3600**

Bldg/Room **KNOX**

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